

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

ORDER OF DETENTION

v.

Criminal No. 16-M-01057-JJM-3

GIOVANI HORNEA,

Defendant.

The government has moved for pretrial detention of defendant pursuant to 18 U.S.C. §3142(f). Defendant has waived his right to a detention hearing at the present time [86], as he is entitled to do. *See United States v. Coonan*, 826 F.2d 1180, 1184 (2d Cir. 1987) (“Coonan . . . would have us hold that the statutory right to a detention hearing within, at most, five days of the initial appearance is not waivable. This we decline to do, since it would . . . require meaningless, ritualistic hearings in situations where no one wants them”). Accordingly, it is hereby

ORDERED that, pursuant to 18 U.S.C. §3142(i)(2), defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and it is further

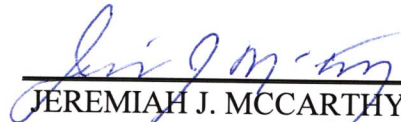
ORDERED that, pursuant to 18 U.S.C. §3142(i)(3), defendant be afforded reasonable opportunity for private consultation with counsel; and it is further

ORDERED that, pursuant to 18 U.S.C. §3142(i)(4), upon order of a court of the United States or on request of an attorney for the government, the person in charge of the

corrections facility in which defendant is confined, deliver defendant to United States Marshals for the purpose of an appearance in connection with a court proceeding; and it is further

ORDERED, that the foregoing is without prejudice to defendant's right to the presumption of innocence, or to his right to request a detention hearing at a later date based on changed circumstances.

Dated: December 6, 2016



JEREMIAH J. MCCARTHY
United States Magistrate Judge